

EPA PFAS ENFORCEMENT ACTIVITY

BACKGROUND:

- EPA has taken a number of enforcement actions related to PFAS.
- In 2005, EPA entered into an administrative settlement with DuPont resolving violations related to PFOA under TSCA and RCRA at its WV facility and required DuPont to pay \$10.25 million in civil penalties and perform SEPs worth \$6.25 million.
- In 2009, EPA issued a TSCA section 5(e) Consent Order to DuPont requiring 99% capture of GenX releases. EPA is monitoring Chemours' compliance with that order.
- On February 14, 2019, EPA sent a Notice of Violation to Chemours outlining violations of TSCA at the Fayetteville facility in NC, and the Washington Works facility in Parkersburg, WV.
- In 2002, 2006, 2009, and 2017, EPA issued Safe Drinking Water Act § 1431 Consent Orders to DuPont (and in the latter instance, also to Chemours) requiring the provision of alternative water supplies for public and private water systems in the vicinity of the Washington Works, WV facility for PFOA contamination.
- In 2018, at EPA's request, Chemours began sampling numerous private wells and Public Water Systems (PWSs) for GenX chemicals.
- EPA issued three Safe Drinking Water Act § 1431 imminent and substantial endangerment orders to Federal agencies for PFOA and/or PFOS above the Preliminary Health Advisory in drinking water (these are also NPL sites):
 - Naval Air Warfare Center, Warminster, PA (2014) (Navy voluntarily using LHA)
 - Horsham Air Guard Station/Willow Grove (PA) (2015) (AF voluntarily using LHA)
 - Pease Air Force Base, NH (2015) (AF voluntarily using LHA)

KEY POINTS:

Ex. 5 Deliberative Process (DP)

TALKING POINTS:

Ex. 5 Deliberative Process (DP)